

HOUSE BILL 1914
By Tindell

AN ACT to amend Tennessee Code Annotated, Section 6-58-111, relative to the burden of proof in quo warranto actions challenging an annexation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 6-58-111, is amended by adding the following new, appropriately designated subsection:

(e)

(1) Notwithstanding any provision of law to the contrary, a municipality may use any of the methods in Chapter 51 of this title to annex a bound parcel or bound parcels; provided, that if a quo warranto action is filed to challenge the annexation, the party filing the action has the burden of proving that the annexation is unreasonable for the overall well-being of the bound parcel or bound parcels involved. As used in this subsection, the term "bound parcel" shall mean a parcel of land bordered on all sides by the corporate limits of a municipality as such boundaries existed on January 1, 2005, and the term "bound parcels" shall mean any two (2) or more parcels of land, which, when considered together, are bordered on all sides by the corporate limits of a municipality as such boundaries existed on January 1, 2005.

(2) In any such action, the action shall be tried by the circuit court judge or chancellor without a jury.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.